

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.08.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.25042 of 2015

S.Sakthivel

.. Petitioner

Vs

- 1.The Government of Tamilnadu,
rep. by Secretary to Government,
Highways Department,
Fort St. George, Chennai-9.
- 2.The Director General and Chief Engineer,
Highways, Chepauk, Chennai.
- 3.The Divisional Engineer,
Highways, Erode Division,
Erode.

.. Respondents

Petition filed under Article 226 of The Constitution of India, praying for the issuance of a Writ of mandamus directing the first respondent to reinstate the petitioner herein in service so as to enable the regularization of petitioner service and to regularize the service of the petitioner with effect from the date of completion of three years of service in the light of orders issued in Govt. Lr.No.4507/HM2/2009-26, dated 2.6.2011 of the first respondent and Memo No.604/Nir.4(3)/ 2009 dated 3.6.2011 of the second respondent and considering the petitioner representation dated 20.8.2014.

For Petitioner

.. Mr.G.Punniyakotti

For Respondents

.. Mr.V.Subbiah,
Spl. Govt. Pleader

ORDER

By consent, the writ petition itself is taken up for final disposal.

2.The petitioner was serving as Non Muster Roll worker on daily wage basis for more than seven years in Erode Highways Division and his service is yet to be regularised and absorbed in permanent

capacity. It is the claim of the petitioner that he has worked in that capacity for a period of seven years between 10.11.1987 and 28.12.1995 in the Highways Sub Division, Kodumudi, Erode Division and one Kaliappan and 26 others, who were similarly placed, filed W.P. No.36623 of 2004 for regularisation of service and vide order dated 09.12.2005, this Court has taken note of the order dated 17.05.1996 made in O.A. No.1543 of 1993 batch by the Tamil Nadu Administrative Tribunal and followed the directions and disposed of the writ petition. The official respondents, aggrieved by the said order, filed W.A. No.1260 of 2008 and vide judgment dated 11.12.2009, the writ appeal was also dismissed. Further challenge was made by filing Special Leave Petition before the Honourable Supreme Court of India and it has also ended in dismissal on 27.09.2010. It is the further submission of the learned counsel for the petitioner that one C.Murugesan, who is similarly placed as that of the petitioner, has approached the Tribunal by filing O.A.No.5053 of 2001. On abolition of the Tribunal, it was transferred to the file of this Court and numbered as W.P.No.2204 of 2007 and vide order dated 21.12.2011, this Court has followed the orders passed in W.P.No.36623 of 2004 and granted relief to the petitioner therein and hence prays for similar relief.

3.The Court heard the submissions of Mr.V.Subbiah, learned Special Government Pleader, who accepts notice on behalf of the respondents.

4.Though the petitioner prayed for larger relief, this Court, in the light of the facts and circumstances, directs the respondents to consider the petitioner's representation dated 20.08.2014, on merits and in accordance with law, after taking note of the above cited orders and pass orders within a period of twelve weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner. The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

mmi

To

1.The Secretary to Government,
Government of Tamilnadu,
Highways Department,
Fort St. George, Chennai-9.

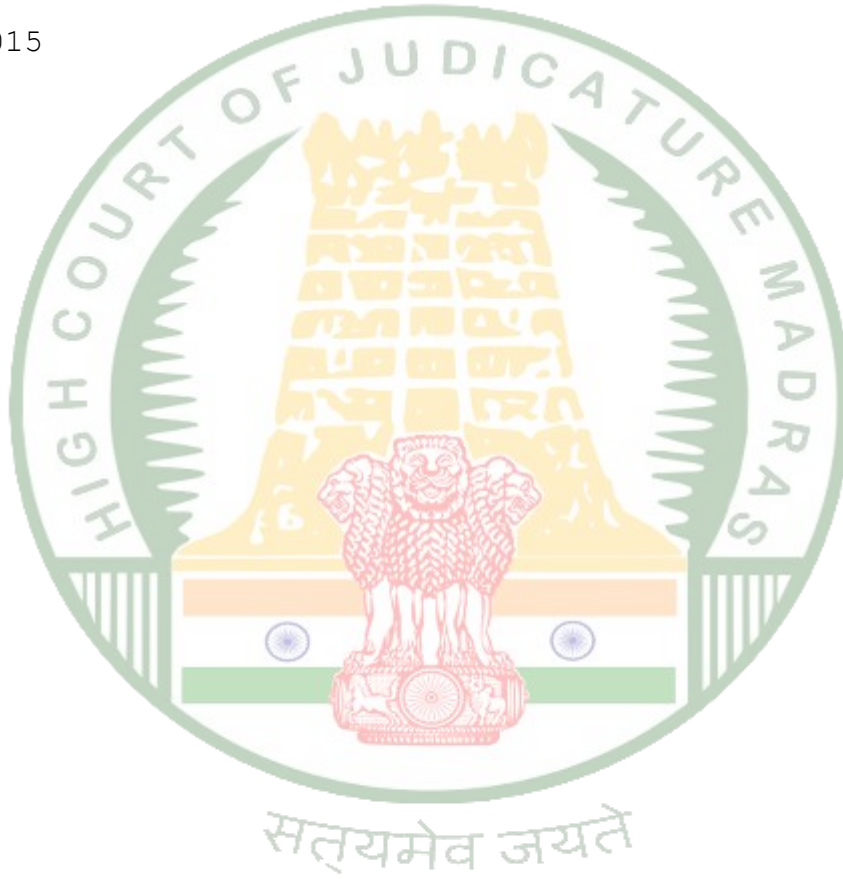
2.The Director General and Chief Engineer,
Highways, Chepauk, Chennai.

3.The Divisional Engineer,
Highways, Erode Division,
Erode.

1 cc to Mr. G.Punniyakotti, Advocate Sr.No.42573
1 cc to Government Pleader.Sr.No. 42791

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